

## REMARKS

Claims 1-36 were submitted for examination. None of the claims is amended or cancelled in the present response. Therefore, claims 1-36 remain pending in the application.

### **I. Objection to the Abstract**

In the Office action, the Examiner objected to the Abstract of the disclosure for failing to comply with the 150-word limit under 37 CFR § 1.72(b). In the present response, Applicant has amended the previous Abstract in compliance with 37 CFR § 1.121(b). This amended Abstract also complies with the word limit under 37 CFR § 1.72(b). Applicant asserts that no additional subject matter is added to the specification by way of this amendment to the Abstract. Applicant therefore respectfully requests the Examiner to replace the previous Abstract with this amended Abstract and to withdraw the objection to the Abstract in the next Office action. Because of rules governing abstracts, the amended abstract should not be used to construe the claims.

### **II. Section 102 Rejection**

Claims 1-2, 4, 6-7, and 36 were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,140,854 to Coddington et al. (hereafter "Coddington"). Applicant traverses the rejection of these claims in light of the following remarks.

The Examiner relies on Fig. 2 in Coddington as teaching all the claim limitations in claims 1-2, 4, 6-7, and 36. However, Applicant asserts that Fig. 2 in Coddington fails to teach "selectively using one of said reference clock and said inverted reference clock as an input to said delay line based on a relationship among the phases of said reference clock, said inverted reference clock, and said feedback clock" as recited in the independent claim 1, and also similarly recited in independent claims 6 and 36. The Examiner points to the multiplexer 64 in Fig. 2 in Coddington as performing this selection between the reference clock (i.e., the GCLK signal in Fig. 2 in Coddington) and the inverted reference clock (i.e., the GCLK\_ signal in Fig. 2 in Coddington). Although it is true that the multiplexer 64 selects one of these two signals to be input to the delay line 72 (Fig. 2, Coddington), Fig. 2 in Coddington fails to illustrate the

multiplexer 64 making the input clock selection “based on a relationship among the phases of said reference clock, said inverted reference clock, and said feedback clock” as required by pending independent claims 1, 6, and 36. The multiplexer 64 in Fig. 2 in Coddington does not receive the feedback clock as one of its inputs and, hence, cannot act on the feedback clock along with the reference clock and the inverted reference clock. On the other hand, for example, Fig. 4 in the present application clearly illustrates the decoder 38 as receiving the reference clock (Ref clock 12), the inverted reference clock (Ref\* clock 30), and the feedback clock (FB clock 14), and generating the delay line input clock based on the phase relationship among these three signals. Applicant therefore respectfully requests that the Examiner withdraw the anticipation rejection of claims 1, 6, and 36 based at least on this distinction alone.

Furthermore, the Examiner fails to specifically point out how Coddington teaches the above mentioned claim limitation in the text of its specification. In the absence of such indication from the Examiner, the Applicant has no choice but to assert that the Examiner has failed to establish a *prima facie* case of anticipation of independent claims 1, 6, and 36. Thus, Coddington fails to anticipate claims 1, 6, and 36.

The dependent claims 2, 4, and 7 depend from respective allowable independent claims 1 and 6, and, hence, are also not anticipated by Coddington at least for the reasons given hereinabove. Although Applicant does not present separate arguments in favor of the patentability of each of these dependent claims, Applicant reserves the right to submit those arguments should that become necessary.

In view of the arguments given hereinabove, Applicant requests that the Examiner withdraw the § 102(b) rejections of pending claims 1-2, 4, 6-7, and 36. Reconsideration and allowance of claims 1-2, 4, 6-7, and 36 is respectfully requested.

### **III. Allowed and Allowable Claims**

Applicant thanks the Examiner for allowing claims 14-35 and for indicating that dependent claims 3, 5, and 8-13 are allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims. In view of the

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foregoing discussion of non-anticipation of independent claims 1 and 6, Applicant asserts that respective dependent claims 3, 5, and 8-13 are allowable without rewriting them in independent form. Therefore, reconsideration and allowance of claims 3, 5, and 8-13 is respectfully requested.

In item # 7 on page-4 of the Office action, the Examiner has provided a statement of reasons for the indication of allowable subject matter. Applicant believes that this statement is unnecessary in this case as it merely copies each limitation of the allowed/allowable claims into the reasons for allowance. While Applicant believes that the mentioned claims are allowable, Applicant does not agree that patentability resides in each feature, exactly as expressed in the claims, nor that each feature is required for patentability.

### **CONCLUSION**

In the present response, all objections and rejections in the Office Action of February 23, 2005 are believed to have been addressed. Applicant therefore asserts that all pending claims (i.e., claims 1-36) are in condition for allowance and a notice by the Office to this effect is respectfully requested. If the Examiner has any questions, comments or suggestions, the undersigned Attorney earnestly requests a telephone conference at the Examiner's convenience.

Respectfully submitted,



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